

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7555

BILL NUMBER: SB 380

NOTE PREPARED: Jan 9, 2003

BILL AMENDED:

SUBJECT: Bias Crimes.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes commission of a crime because of the color, creed, disability, national origin, race, religion, sexual orientation, or sex of the victim an aggravating circumstance: (1) that may be considered by a judge when the judge imposes a sentence for the crime; and (2) that, in a murder case, may provide the grounds on which the state seeks the death penalty. It makes it discrimination in jury selection, a Class A misdemeanor, for a public servant having the duty to select or summon persons for grand jury or trial jury service to knowingly or intentionally fail to select or summon a person because of the person's sexual orientation. The bill also makes a technical correction.

Effective Date: July 1, 2003.

Explanation of State Expenditures: There are no data available to indicate how many offenders select the victim or property of their crime by the color, creed, disability, national origin, race, religion, sexual orientation, or sex of the victim or property holder. To the extent that determination that a crime is a bias crime is considered an aggravating circumstance or favors imposing consecutive terms of imprisonment, the length of incarceration could increase. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues: Under current law, it is a Class A misdemeanor for a public servant to knowingly or intentionally fail to select or summon a person for grand jury duty because the person's color, creed, disability, national origin, race, religion, or sex. The bill would add sexual orientation. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General

Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Karen Firestone, 317-234-2106